IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2765 of 2000
with
Special Civil Application No.3454 of 2000
with
Civil Application Nos.2961 of 2001
and 2963 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINODRAI AMRUTLAL ADHVARYU

Versus

SAVARKUNDLA NAGAR PALIKA

Appearance:
MR MURALI N DEVNANI for the Petitioner.
MR JAYANT PATEL for Respondent No. 1
Mr.Desai, Assistant Government PLEADER,
for Respondent No. 1
RULE SERVED BY DS for Respondents No. 2-4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/10/2001

ORAL JUDGEMENT

The petitioner of each of these petitions has filed these petitions for appropriate relief against the respondent in the matter of not complying with the order of the Labour Court, Bhavnagar, in Reference Nos. 196 of 1989 and 465 of 1990. It is not in dispute that each of the petitioners has been reinstated in service and towards the back wages, as per the Award of the Labour Court, Mr.Patel, appearing for the Nagarpalika, has placed on record additional affidavit, copy of which is given to the other side. It is prayed that looking to the difficult financial situation of the Municipality, the Municipality is not in a position to pay entire amount immediately and, therefore, it is prayed that the back wages will be paid within a period of two years from today and the amount will be paid in 24 equal instalments of Rs.3,000/- each. The said affidavit is taken on record. On behalf of the petitioner, it is stated that the Municipality should be directed to pay up the entire arrears within a period of six months from today. However, considering the financial position of the Municipality, I have given aforesaid instalments to the Municipality for the purpose of making the payment and the payment of back wages is to be made within a period of 24 months from today and the Municipality is directed to pay the regular instalments of Rs.3,000/- each.

It is clarified that this payment is without prejudice to the rights and contentions of the respondent-Municipality in case the said Award is challenged by filing a substantive Special Civil Application. If no order is passed in the said Special Civil Application, the rights of the parties will be ultimately governed by the present proceedings. This order is passed on the basis of the averments made by the petitioners in these petitions.

The learned Advocate for the petitioners submits that the salary of the petitioners is not properly fixed. If there is any other grievance like not complying with the Award or not fixing the salary properly, it would be open for the petitioners to file appropriate recovery proceedings under the I.D. Act and that right is kept intact.

Subject to what is stated above, the petitions are disposed of. Rule is discharged with no order as to costs. Interim relief is vacated.

All the Civil Applications are also disposed of in view of the order passed in the main Special Civil Applications.

3rd October, 2001 (P.B. Majmudar, J.)

****

(apj)